

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Cr. No. 07-60031-HO
)	
)	
v.)	ORDER
)	
ALVARO RAMIREZ-BALDENEBO,)	
)	
Defendant.)	
_____)	

On November 15, 2010, the court denied defendant's petition for 28 U.S.C. § 2255 relief because an appeal challenging defendant's sentence and conviction is pending in the Ninth Circuit Court of Appeals. On December 6, 2010, defendant filed a motion to request adjudication of his section 2255 petition indicating that his appellate counsel has withdrawn. However, a review of the docket for the Ninth Circuit case, Case Number 09-30269, indicates that the appeal has not been

dismissed and thus is still pending. Moreover, there is no current section 2255 motion before this court. Accordingly, defendants' motion (#108) is denied.

DATED this 13th day of January, 2011.

s/ Michael R. Hogan
United States District Judge